

Exhibit D

CEP
9651-1
M019 TRANS#5613
UMPSUM
F 12/04/2020

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

FINAL ORDER TO CEASE VIOLATIONS AND PAY FINE

Pursuant to:

- ☒ Section 274A of the Immigration and Nationality Act and Part 274a, Title 8, Code of Federal Regulations
or
☐ Section 274C of the Immigration and Nationality Act and Part 270, Title 8, Code of Federal Regulations

United States of America	Office Address 601 West 26th Street, Suite 700 New York, New York 10001
A-File Number	Fines Case Number NY19NR18NY0045
In the Matter of (Respondent) GARDEN MINI DELI INC	
Address (Street Number and Name) 163 Garden Street	
City, State, and ZIP Code Poughkeepsie, New York 12601	

On 07/09/2020, a Notice of Intent to Fine (copy attached) was served upon the Respondent stating the allegation(s) and charge(s), and the penalty to be assessed against the Respondent.

The Notice of Intent to Fine advised the Respondent of the right to contest the fine by requesting a hearing before an administrative law judge within 30 days of the service of the Notice. The Notice also advised the Respondent that failure to request a hearing on a timely basis would result in the issuance of a final and unappealable order by U.S. Immigration and Customs Enforcement (ICE).

☒ ICE has not received a timely written request for a hearing before an administrative law judge and therefore is issuing this final order stating that the Respondent has violated § 274 a 1 B of the Immigration and Nationality Act, 8 U.S.C. § 1324 a 1 B.

☐ The Respondent's request for a hearing before an administrative law judge was withdrawn in writing pursuant to a written agreement between the parties and, in that agreement, the Respondent admitted to violating § 274 _____ of the Immigration and Nationality Act, 8 U.S.C. § 1324 _____.

☐ Pursuant to a written agreement between the parties, the matter has been settled without an administrative hearing and, in that agreement, the Respondent admitted to violating § 274 _____ of the Immigration and Nationality Act, 8 U.S.C. § 1324 _____.

Therefore, it is ordered that the Respondent: Pay a fine in the amount of \$ 19,865.45
and cease and desist from such violations.

Payment must be in the form of a cashier's check, money order, or bank check made payable to "U.S. Immigration and Customs Enforcement." Payment must be submitted within 30 days of the receipt of this order to the following address:

Address
Financial Operations - Burlington
U.S. Immigration & Customs
Enforcement
P.O. Box 5000
Williston, VT 05495

Signature of Issuing Officer EDWARD V OWENS <small>Digitally signed by EDWARD V OWENS Date: 2020.10.16 13:28:46 -04'00'</small>
Name of Issuing Officer Peter C. Fitzhugh
Title of Issuing Officer Special Agent in Charge
Date 10/16/2020

NOTICE

Failure to comply with this final order may result in ICE filing suit in the appropriate district court to seek compliance with this order.

Certificate of Service	
Served by (print name)	<u>Bruce S. Scott</u>
Date served	<u>11/10/20</u>
Method of service	<u>Personal</u>
Person or entity served	<u>Helen Galasso</u>
Place of service	<u>Paskoff & Tamber, LLP</u>
Signature of employee or officer	<u><i>[Signature]</i></u>
Name and title of employee or officer	<u>Bruce S. Scott, Special Agent</u>

x *Helen Galasso*
11.10.20

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
NOTICE OF INTENT TO FINE PURSUANT TO SECTION 274A
OF THE IMMIGRATION AND NATIONALITY ACT

United States of America

Office Address 601 West 26th Street, Suite 700New York, NY 10001File Number NY19NR18NY0045

In the matter of (Respondent):

GARDEN MINI DELI INC.

Address (Street Number and Name, City, State, and Zip Code)

163 Garden Street
Poughkeepsie, New York 12601

Upon inquiry conducted by U.S. Immigration and Customs Enforcement (ICE), it is alleged that:

See Attached Documents

Upon the basis of the foregoing allegations, it is charged that you are in violation of the following provision(s) of law:

See Attached Documents

Wherefore, pursuant to Section 274A of the Immigration and Nationality Act and Part 274a, Title 8, Code of Federal Regulations, it is the intention of ICE to order you to pay a fine in the amount of \$ 19,865.45.

Signature of Chief Counsel or Designee

MICHAEL R
HOROWITZDigitally signed by MICHAEL R
HOROWITZ
Date: 2020.06.18 10:08:10 -04'00'

Name of Chief Counsel or Designee

Michael Horowitz

Title of Chief Counsel or Designee

Senior Attorney

Date

06/18/2020

Signature of Issuing Officer

EDWARD V OWENS

Digitally signed by EDWARD V OWENS
Date: 2020.06.29 23:10:25 -04'00'

Name of Issuing Officer

Peter C. Fitzhugh

Title of Issuing Officer

Special Agent in Charge, New York

Date

6/29/2020

I. You have the right to contest this Notice. If you desire to contest this Notice, you must:

1. Submit a written request for a hearing before an administrative law judge within 30 days from the service of this Notice. The hearing will be conducted pursuant to Title 5, United States Code, Sections 554 - 557.

2. Submit the written request for a hearing either in person or by certified mail to the following address:

Sandra Osmanovic
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
26 Federal Plaza, Room 1130
New York, NY 10278

II. You may submit to ICE a written answer responding to each allegation listed in this Notice either in person or by certified mail, at the above address.

III. If a written request for a hearing is not received on a timely basis, ICE will issue a final and unappealable order in 45 days directing you to pay a fine in the amount specified in this Notice. If the charge specifies violation(s) of subsection 274A(a)(1)(A) or subsection 274A(a)(2) of the Immigration and Nationality Act, the order will also require that you cease and desist from such violation(s).

IV. You have a right to representation by counsel of your choice at no expense to the U.S. Government.

V. Small entities may direct comments about regulatory and/or enforcement actions to the Small Business Administration's (SBA) Office of the National Ombudsman via the Internet (www.sba.gov/ombudsman); email (Ombudsman@sba.gov); telephone (1-888-REG-FAIR); or mail (SBA Office of the National Ombudsman, 409 Third St., SW, Washington, DC 20416). The National Ombudsman process has no effect on your rights or obligations under the procedures of the agency on which you are commenting. You must still comply with all of that agency's processes and procedures.

VI. Any statement given may be used against you in these proceedings.

Certificate of Service	
Served by (print name)	<u>Kevin Williams</u>
Date served	<u>July 9, 2020</u>
Method of service	<u>Certified Mail</u>
Person or entity served	<u>Adam Paskoff</u>
Place of service	<u>Paskoff + Tamber LLP</u>
Signature of employee or officer	<u>[Signature]</u>
Name and title of employee or officer	<u>Kevin Williams Special Agent</u>

COUNT I
FAILED TO PREPARE AND/OR PRESENT THE EMPLOYMENT ELIGIBILITY
VERIFICATION FORM (FORM I-9)

A. The Respondent hired the following individuals for employment in the United States:

1. Aleem	Ahmed	SSN XXX-XX-5078
2. Nargis	Ahmed	SSN XXX-XX-3884
3. Rafiq	Ahmed	SSN XXX-XX-3265
4. Sameer	Dawood	SSN XXX-XX-2199
5. Darlene	Denike	SSN XXX-XX-7914
6. Linda	Joinville	SSN XXX-XX-8834
7. Murtuza	Mir	SSN XXX-XX-7719
8. Muhammed	Mustfa	SSN XXX-XX-0397
9. Gurdeep	Singh	SSN XXX-XX-5951
10. Jagpal	Singh	SSN XXX-XX-6457
11. Joginder	Singh	SSN XXX-XX-8341

B. The Respondent hired the individuals listed in paragraph A after November 6, 1986; and

C. The Respondent failed to prepare and/or present the Employment Eligibility Verification Form (Form I-9) for the individuals listed in paragraph A after being requested to do so by an authorized agency of the United States.

WHEREFORE, it is charged that the Respondent is in violation of § 274A(a)(1)(B) of the Immigration and Nationality Act, 8 U.S.C. § 1324a(a)(1)(B), which renders it unlawful, after November 6, 1986, for a person or entity to hire, for employment in the United States, an individual without complying with the requirements of § 274A(b) of the Immigration and Nationality Act, 8 U.S.C. § 1324a(b).

The penalty for this Count is a civil money penalty of **\$1,805.95** for each violation relating to the individuals listed in paragraph A.

The total penalty for this Count is a civil money penalty of **\$19,865.45**.